

DLA PIPER US LLP  
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*Attorneys for Plaintiff*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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PARTMINER INFORMATION SERVICES,  
INC.,

Plaintiff,

-vs-

AVNET, INC., THOMAS CASEY REED,  
JOHN KENNETH SHARPE, and NEIL R.  
VANEK,

Defendants.  
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07 Civ .11482 (LMM)

**NOTICE OF MOTION FOR  
PRELIMINARY INJUNCTION AND  
EXPEDITED DISCOVERY**

To: Joseph A. Piesco  
Kasowitz, Benson, Torres & Friedman, LLP (NYC)  
1633 Broadway  
New York, NY 10019  
(212) 506-1955  
jpiesco@kasowitz.com  
*Attorneys for Defendants*

PLEASE TAKE NOTICE that upon the Summons and Complaint, the Notice of Motion for Preliminary Injunction and Expedited Discovery, Affidavit of Christopher Meyer, sworn to December 19, 2007, and exhibits annexed thereto, Affidavit of Katie Wetherbee, sworn to December 19, 2007, Affidavit of Andrew Sbravati, sworn to December 19, 2007, Affidavit of Ken Auga, sworn to December 19, 2007, and exhibit annexed thereto, Affidavit of David

McBarron, sworn to December 19, 2007, Declaration of Eric M. Falkenberry, sworn to January 11, 2008, and exhibits attached thereto, Plaintiff's Memorandum Of Law In Support Of Motions For Preliminary Injunction and Order Granting Expedited Discovery, Plaintiff PartMiner Information Services, Inc. ("PartMiner"), by its attorneys DLA Piper US LLP, will move the Court, at the United States Courthouse, 500 Pearl Street, New York, New York, on a date convenient for the Court for an Order: (a) granting a preliminary injunction against Defendants Avnet, Inc., Thomas Casey Reed, John Kenneth Sharpe and Neil R. Vanek and all those acting in concert with them, on the terms set forth in the attached Proposed Order Granting Preliminary Injunction; (b) pursuant to Federal Rules of Civil Procedure 26, 30, and 34, and 28 U.S.C. § 1657(a), granting expedited discovery on the terms set forth in the attached Proposed Order Granting Expedited Discovery; and (c) for such other and further relief as the Court may deem just and proper.

Dated: New York, New York  
January 11, 2008

DLA PIPER US LLP

By:

s/ Andrew L. Deutsch

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DLA PIPER US LLP  
Eric M. Falkenberry  
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(212) 335-4500  
*Attorneys for Plaintiff*

UNITED STATES DISTRICT COURT  
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AVNET, INC., THOMAS CASEY REED,  
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VANEK,

Defendants.  
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07 Civ .11482 (LMM)

**[PROPOSED] ORDER GRANTING  
PRELIMINARY INJUNCTION**

Upon the Summons and Complaint, the Notice of Motion for Preliminary Injunction and Expedited Discovery, Affidavit of Christopher Meyer, sworn to December 19, 2007, and exhibits annexed thereto, Affidavit of Katie Wetherbee, sworn to December 19, 2007, Affidavit of Andrew Sbravati, sworn to December 19, 2007, Affidavit of Ken Auga, sworn to December 19, 2007, and exhibit annexed thereto, Affidavit of David McBarron, sworn to December 19, 2007, Declaration of Eric M. Falkenberry, sworn to January 11, 2008, and exhibits annexed thereto, Plaintiff's Memorandum of Law In Support of Motions For Preliminary Injunction and Order Granting Expedited Discovery, and pursuant to Rule 65 of the Federal Rules of Civil Procedure, and it appearing from the above documents and the other evidence provided to the Court that

Plaintiff will suffer irreparable injury in absence of a preliminary injunction and that Plaintiff is likely to prevail on the merits of its claim and/or that plaintiff has shown serious issues going to the merits of its claims and will suffer substantially greater hardship from denial of a preliminary injunction than Defendants will suffer from the grant of a preliminary injunction, it is hereby:

ORDERED, that pending the hearing and determination of the merits of this action, Defendants Avnet, Inc., Thomas Casey Reed, John Kenneth Sharpe and Neil R. Vanek, and all those acting in concert with them, be and hereby are restrained from:

1. Misappropriating, divulging, disseminating, utilizing or otherwise making use of PartMiner's trade secrets and Confidential Information, as defined in the Confidentiality and Settlement Agreements;
2. Directly or indirectly contacting or soliciting business from any PartMiner customer that Defendants gained knowledge about through PartMiner's Confidential Information including, but not limited to, its customer lists; and
3. Making any false or misleading statements about PartMiner's business, services or products.

ORDERED that pending the hearing and determination of the merits of this action, Defendants Avnet, Inc., Thomas Casey Reed, John Kenneth Sharpe and Neil R. Vanek, and all those acting in concert with them, immediately return to PartMiner any, and all of PartMiner's Confidential Information in their possession.

Dated: New York, New York

\_\_\_\_\_, 2008

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United States District Judge, S.D.N.Y.

DLA PIPER US LLP  
Eric M. Falkenberry  
Andrew L. Deutsch  
1251 Avenue of the Americas  
New York, New York 10020  
(212) 335-4500  
*Attorneys for Plaintiff*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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PARTMINER INFORMATION SERVICES,  
INC.,

Plaintiff,

-vs-

AVNET, INC., THOMAS CASEY REED,  
JOHN KENNETH SHARPE, and NEIL R.  
VANEK,

Defendants.  
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07 Civ .11482 (LMM)

**[PROPOSED] ORDER GRANTING  
EXPEDITED DISCOVERY**

Upon the Summons and Complaint, the Notice of Motion for Preliminary Injunction and Expedited Discovery, Affidavit of Christopher Meyer, sworn to December 19, 2007, and exhibits annexed thereto, Affidavit of Katie Wetherbee, sworn to December 19, 2007, Affidavit of Andrew Sbravati, sworn to December 19, 2007, Affidavit of Ken Auga, sworn to December 19, 2007, and exhibit annexed thereto, Affidavit of David McBarron, sworn to December 19, 2007, Declaration of Eric M. Falkenberry, sworn to January 11, 2008, and exhibits attached thereto, Plaintiff's Memorandum Of Law In Support Of Motions For Preliminary Injunction and Order Granting Expedited Discovery, and pursuant to Rules 26, 30, 34, and 65 of the Federal Rules of Civil Procedure and 28 U.S.C. § 1657(a), and it appearing from the above documents and the other evidence provided to the Court that Plaintiff has moved for a preliminary injunction, and has shown evidence that it will suffer irreparable injury in absence of a preliminary injunction

and that it will prevail on the merits of its claim, and/or that Plaintiff has shown serious issues going to the merits of its claims and evidence that it will suffer substantially greater hardship from denial of a preliminary injunction than Defendants will suffer from the grant of a preliminary injunction, and it further appearing that expedited discovery will allow the Plaintiff's motion for preliminary injunction to be heard at an earlier date, it is hereby:

ORDERED, that the parties may undertake the discovery described in this Order prior to the conference required by Fed. R. Civ. P. 26(f); and it is further

ORDERED, that PartMiner may immediately serve on Defendants Avnet, Inc. ("Avnet"), Thomas Casey Reed ("Reed"), John Kenneth Sharpe ("Sharpe") and Neil R. Vanek ("Vanek") requests for production of documents and things related to the issues raised by Plaintiff's motion for preliminary injunction including, but not limited to:

1. All documents containing any PartMiner Confidential Information as defined in the Confidentiality and Settlement Agreements;
2. All correspondence, emails, and records of communications (electronic or otherwise) sent or received by Avnet, Avnet Premiere, Reed, Sharpe, Vanek, Marc Brewer, Steve Burrell, Katie Wetherbee or Andrew Sbravati from October 1, 2005 to the present that concern or mention PartMiner or specified PartMiner customers or prospects (to be provided after a confidentiality order is entered);
3. All Avnet or Avnet Premiere marketing and promotional materials utilized from October 1, 2005 to the present that were sent to specified PartMiner customers or prospects (to be provided after a confidentiality order is entered);
4. All telephone records from Avnet, Avnet Premiere, Avnet/Avnet Premiere employee business, personal cell and home telephones from October 1, 2005 to the present concerning calls between Avnet/Avnet Premiere, Reed, Sharpe, Vanek, Marc Brewer, or Steve Burrell and PartMiner customers or prospects (to be provided after a confidentiality order is entered);
5. All telephone records from Avnet, Avnet Premiere, Avnet/Avnet Premiere employee business, personal cell and home telephones from October 1, 2005 to the present concerning calls between Avnet/Avnet Premiere,

Reed, Sharpe, Vanek and any current or former PartMiner employees or representatives;

6. All Goldmine, pipeline, and any similar sales, prospects or customer relationship management documentation, entries or reports from October 1, 2005 to the present;
7. A list of all Avnet Premiere customers from October 1, 2005 to the present; and
8. All relevant materials which are found during the course of discovery to be in the possession of third-parties;

and it is further

ORDERED, that PartMiner may immediately serve a notice for deposition on Defendants Avnet, Reed, Sharpe and Vanek, Avnet employees Marc Brewer and Steve Burrell, a knowledgeable representative of Avnet involved in the hiring and supervision of Reed, Sharpe and Vanek (to be determined through discovery), and up to two (2) non-parties (the identities of whom will be determined through discovery), requiring that party to appear for deposition not earlier than two weeks from the date of service of the notice. Each deposition shall last not more than one day of seven hours, exclusive of lunch and rest breaks; and it is further

ORDERED that the parties complete the aforementioned discovery within ninety (90) days of the entry of this Order.

Dated: New York, New York

\_\_\_\_\_, 2008

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United States District Judge, S.D.N.Y.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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PARTMINER INFORMATION SERVICES,  
INC.,

Plaintiff,

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AVNET, INC., THOMAS CASEY REED,  
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VANEK,

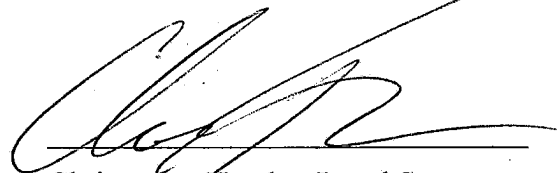
Defendants.  
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07 Civ .11482 (LMM)

**AFFIRMATION OF SERVICE**

I, Christopher Kendra, **declare under penalty of perjury** that I have served a copy of the attached Motion for Preliminary Injunction and Expedited Discovery, Notice of Motion, Affidavit of Christopher Meyer, sworn to December 19, 2007, and exhibits annexed thereto, Affidavit of Katie Wetherbee, sworn to December 19, 2007, Affidavit of Andrew Sbravati, sworn to December 19, 2007, Affidavit of Ken Auga, sworn to December 19, 2007, and exhibit annexed thereto, Affidavit of David McBarron, sworn to December 19, 2007, Declaration of Eric M. Falkenberry, sworn to January 11, 2008, and exhibits annexed thereto, Plaintiff's Memorandum of Law, Proposed Order Granting Preliminary Injunction and Proposed Order Granting Expedited Discovery upon Joseph A. Piesco, *Attorney for Defendants*, whose address is Kasowitz, Benson, Torres & Friedman, LLP (NYC), 1633 Broadway, New York, NY 10019 by OVERNIGHT MAIL.

Dated: New York, New York  
January 11, 2008




Christopher Kendra, Legal Secretary  
DLA PIPER US LLP  
1251 Avenue of the Americas  
New York, NY 10020  
(212) 335-4500  
christopher.kendra@dlapiper.com

Sworn to before me this  
11th day of January, 2008



Notary Public

LAMIA S. SAMPSON  
Notary Public, State of New York  
No. 01SA5058161

Qualified in Kings County  
Commission Expires April 1, 2010 

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